

Chapter Four: The Prospectus for Continued Research

This report is intended to provide an outline of both the theoretical basis for ignition interlock devices, and the existing empirical evaluations that have been performed by state agencies, academics, non-profit organizations, and government scientists. All of this is useful in thinking about how to construct an evaluation of Wisconsin's IID program.

What is being evaluated?

“When such [drunk driving] programs are shown to fail in achieving their goals, we do not know whether the failure is due to an inadequate program model which should, therefore, be discarded, or to the failure to deliver the program appropriately.”

J.L. Fitzpatrick, “Problems in the evaluation of treatment program for drunk drivers: goals and outcomes,” *Journal of Drug Issues*

This is precisely the problem in moving forward with this evaluation. There are two questions to address:

- Are IIDs effective in Wisconsin, *in a controlled study with enforcement that compares IIDs to other measures?* If not, then the program model is inadequate.
- Are IIDs effective in Wisconsin, *as they are currently implemented?* If not, then there is a failure to deliver the program appropriately.

Also, in evaluating IID efficacy, a comparison should be made between IIDs and alternatives. It would be unfair to compare the implementation of IIDs with no sanction at all: surely doing something will have a more pronounced effect than doing nothing.

The quantitative component

The template for constructing a good quantitative study of IIDs compared to either a) a different sanction or b) a control group who is allowed to drive has been laid out by several scholars. A crucial initial step is the collection of extensive demographic data on participants. With this information, other factors that may influence IID success could be seen. Minimal demographic data would include:

- Age
- Race
- Gender
- Employment Status

- Marital status
- Rural or urban residence. Drivers in rural areas may be much more reliant on an automobile, without public transit or immediately available shopping and employment.
- Some assessment measure of acuity of alcoholism or receptivity to treatment. A number of psychological assessment scales, such as the Mortimer-Filkins test or the MMPI, exist as a shorthand psychological profile that can be quickly administered. These simple tests measure aggressiveness and other traits that may be indicative of an individual's compliance and interest in rehabilitation (Peck et al). The inclusion of this data augments the strength of a study by being able to differentiate between types of recidivists (Weinrath 1997).

A random distribution, or as close as possible, is desirable. That is, the demographic traits of the IID and control groups should be as close to identical as possible. In Maryland, Beck et al were able to randomly assign IIDs to a group of eligible offenders. It is not clear whether a strictly random assignment would be constitutional, or whether the judiciary would accede to this method.

With this data, most studies track the offenders beginning when the IID is installed, and continuing to at least the end of the IID period and usually several years after the IID was removed. Studies of this sort are called *longitudinal studies*, examining a group or groups over time to track their behavior. Longer-term studies are more expensive but yield more interesting results, insofar as assessing whether IIDs have any long-range effects on drivers.

A quicker and still interesting piece of quantitative work would simply come from the data each IID stores in its memory. The number of IID failures, the number of tampering attempts, and the BAC level of passes and failures could all be examined. The Pennsylvania DUI Association study followed this framework, and while there are not broad conclusions that can be drawn, some interesting statistics were gleaned. It might surprise many observers, for example, that *93 percent of IID lockouts occurred with a BAC below .10*. This contradicts data on the drinking habits of repeat drunk drivers, and suggests several conclusions: first, that people are having a few drinks and trying to 'slip under' the IID; secondly, that when people are truly drunk they do not bother with the IID. In the second case, it is unclear whether this means impaired drivers are being safer (taking a taxi, riding with a friend) or more dangerous (using another car when they know they are going to get drunk).

Also, if the data were complete enough, a study like Weinrath's (described in section IV) could be devised. By comparing reinstated drivers in the years prior to vehicular sanctions with demographically similar drivers who had IIDs installed, a fair 'on-the-road' comparison could be done. However, Weinrath's study is unique because of the medical advisory board involved in arbitrating reinstatement.

What is the metric of success or failure?

Studies diverge in what they use as the measure of recidivism. Is recidivism simply receiving another OWI? Is recidivism another conviction for a moving violation? Or more broadly, is recidivism the involvement in any sort of further unsafe traffic behavior? Scholars have argued for broader measures of recidivism, to deepen the sample and remove the biases that exist within the court system (thus Gould & Gould argue for studying *arrests* instead of *convictions*).

The advantages of using a narrow measure, like repeat OWI convictions, lie in the ease of data: court records and DMV record keeping make the tabulation of this measure uncomplicated. But studies cannot be structured on availability of data alone. More inclusive measures of recidivism allow us to assess whether IIDs are *truly making the roads safer*. It is not clear that just because a person is not convicted of another OWI, IIDs have been a success.

Given the limited time available for our assessment of IIDs, a long-term quantitative study is not feasible. Moreover, a controlled quantitative study (random assignment and mandatory compliance) would blind itself to the fact that the main issue with IIDs is compliance. In a quantitative study, IID compliance would be artificially enforced for the purpose of being able to make a good comparison.

The qualitative component

Clearly, an important part of this evaluation, perhaps the most important, consists of gathering first hand accounts from IID users and enforcers. The statutes are clear that ‘the departments shall consult with the counties, the law enforcement agencies, the courts, and the providers of service to alcohol abusers.’ The study evaluator should talk directly with:

- District Attorneys.
- Judges. How aware are judges of the IID option, and who receives an IID order? Do judges give IIDs to more incorrigible drunk drivers, who are seen as less reformable by traditional measures? If that is the case, then IIDs are less likely to succeed given the population they are addressed to.
- Citizens. Technically advanced solutions like IIDs are often either initially popular due to astonishment with the technology; or poorly understood because of their complexity. In both cases, there could be mistaken or overzealous perceptions about the implementation and efficacy of IIDs. A survey of attitudes and knowledge about IID law and technology would help us understand what people know, and how to correct mistaken notions.
- Professionals in assessment and treatment. What are the thoughts of people intimately involved with the psychology of the repeat offender? Do IIDs work?

Can IIDs work? What should be done, and what needs to be understood about these offenders that quantitative data misses?

- The offenders themselves. If a scenario could be structured where people with IIDs could candidly answer a series of questions, exempt from any legal retribution, this could provide useful insight as to why most IIDs never make it onto vehicles. Why don't people comply? For that matter, why do people comply? How much do they know about the IID and the law surrounding it?

In talking with these people, the study should examine:

- Larger counties. While the data shows the IID use is very low in many Northern counties, there are self-evident explanations (like the distance to an IID installation center); and drunk driving caseloads are so small – in 2001 14 counties had fewer than 100 annual OWI convictions, compared to 2000+ in more urban counties – resources should be concentrated on regions where drunk driving is most prevalent.
- Some high population/arrest/conviction/IID use counties: Milwaukee, Dane, and Waukesha are the three clearest candidates.
- Some counties where IIDs are used proportionally more than the level of arrests would suggest: Manitowoc, Winnebago, and Sheboygan counties are prime candidates.
- Some counties where IIDs are used proportionally less than the level of arrests would suggest: the southern counties of Rock, Racine, and Kenosha are good candidates.

Public outreach

In addition to research, it appears that IIDs could work better if there was more education about their strengths and limitations. If most of the information judges receive about IIDs comes from the IID vendor, then the judges may have an inflated idea about IID effectiveness. Educating the judiciary, law enforcement, attorneys, and potential offenders about the IID could reap significant gains in enforcement, understanding, and fair application.

Phase I Report Findings

The principal findings of this report are as follows:

- **Vehicle immobilization can be costly and impractical in terms of law enforcement.** As with vehicle seizure, the lag time between orders and implementation can allow the driver to unload a nice car and assign the immobilization order to a “junker” vehicle. Also, vehicle immobilization can create other legal problems such as obstructing traffic and illegal parking depending upon where the vehicle is parked.
- **The inclusion of IIDs in the judicial toolkit is one of the principal legal changes of drunk driving law in the last decade.** As a result, IIDs have become more commonly ordered than other sanctions like vehicle seizure or immobilization.
- **IIDs attempt to provide a flexible and humane sanction, a device that allows the offender to conduct his/her life and travel fairly normally so long as she/he stays sober.**
- **Most IID orders in Wisconsin are not complied with** IIDs may work in a controlled environment, but the actual implementation leaves much to be desired. Plainly put, offenders infrequently comply with court orders for IIDs. Three significant factors exist: the expense to the driver of IID installation; the small possibility of being caught for shirking an IID order; and a general lack of knowledge about how IIDs work. In addition, many offenders fail to reinstate their driver’s license, which is required for compliance with the IID order.
- **Preliminary evidence suggests that IIDs are not uniformly assigned around the state and that there may be a geographic bias where areas closer to IID vendors assign IIDs more frequently** (Note however in Phase II, two vendors disputed the assertion that IIDs are not uniformly available statewide, and stressed their diversity statewide and their willingness to accommodate. One vendor noted that he operated in cities across the state and was equipped with a mobile van for service. One vendor acknowledged that service was not uniform, and that the distance and expense of traveling to service centers could further deter compliance).
- **Drunk drivers, even repeat drunk drivers, are a heterogeneous population.** Depending on their personality type, traditional treatments or other sanctions may work better than IIDs. IIDs have a place in preventing recidivism, but some have also suggested that better results could be achieved by disaggregating offenders for more individualized treatment. The Weinrath study concludes: *“Put simply, the success of Alberta’s [IID] program likely was due to more individualized management of impaired drivers than ... other programs.”*

- **Although popular, The IID is no “silver bullet.”** In controlled studies, IIDs work in the short term, while they are on the car; but it appears that there is not any long-term behavioral effect. IIDs may be more useful to the offender in the period immediately after arrest, but research suggests that money might be better allocated to different treatment, especially non-vehicular sanctions.
- **An IID may be the right choice for a small segment of the population (repeat offenders) responsible for drunk driving, however it does not address the repeat offender’s need for alcohol.** To be fair, it can also be argued that this may not be the purpose of IIDs. IIDs may simply protect the public from a repeat offender who can no longer be trusted on the road.
- **The implementation of IIDs is as important as how well the device works itself.** If looking at IIDs very narrowly, when compliance is enforced and resources are committed, they seem to work. But looking more broadly, when compliance is less supervised and the initial interest in IIDs has faded, the device becomes less effective. Research suggests that in order to make IIDs work as they are supposed to, more time and money needs to be devoted to IID enforcement and development of an effective process for compliance with the court order.
- **If IIDs are not worth the additional funding support, some have suggested that the money should go into traditional treatment and remediation, or else a new statutory sanction could be developed.**
- **The Federal rule requiring a one-year hard suspension for repeat offenders (two or more convictions within a 5-year period), thwarts the effectiveness of an IID program because an IID cannot be ordered until after the suspension has been satisfied.**

Glossary of Abbreviations and Terms

BrAC/BAC: Breath Alcohol Content/Blood Alcohol Content. An IID and a police station Intoximeter measure the BrAC, expressed as the number of grams of ethanol per 210 liters of a person's breath. A blood alcohol test evaluates the number of grams of alcohol per 100 milliliters of a person's blood. .

Trans 313: Short for Transportation 313, the Department of Transportation administrative rule governing the application, license, and use of IIDs. Current versions available online at <http://www.legis.state.wi.us/rsb/code/trans/trans313.pdf>

IID: Ignition Interlock Device.

Intoximeter: The trade name of the evidentiary breath test device used in police stations.

OWI: Operating While Intoxicated, the official name for the drunk driving charge in Wisconsin. In other states this is known as DWI, DUI, or DUII (driving under the influence of intoxicants).

Rolling retest: An IID feature where the driver is prompted to give a random breath sample within a specified time period as long as the vehicle is running.

Survival rate: The percentage of people who make it through a set period of time without re-offending. Used in scholarly studies and evaluation of vehicle sanctions.

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Insurance Institute for Highway Safety. <http://www.highwaysafety.org/>

Canadian Safety Council. <http://www.safety-council.org/>

National Commission Against Drunk Driving. <http://ncadd.com/>

National Institute on Alcohol Abuse and Alcoholism (a sub-agency of the National Institute of Health) <http://www.niaaa.nih.gov/>

Databases:

Rutgers Alcohol Studies. http://www.scc.rutgers.edu/alcohol_studies/alcohol/

International Council on Alcohol, Drugs and Traffic Safety. <http://www.icadts.org/>

The Marin Institute. <http://marin.andornot.com/>

Appendix A: Effects of 1999 Act 109

(Provided courtesy of Bureau of Driver Services, Wisconsin Division of Motor Vehicles). The following provides a chronology of drunk driving laws as related to vehicle sanctions.

1999 Act 109 relates mostly to penalties for repeat OWI offenders. In addition it makes some minor changes to other areas of OWI law and modifies underage drinking penalties.

Most of Act 109 went into effect January 1, 2001. A few provisions went into effect July 1, 2000. Changes to the Ignition Interlock Device (IID) and Vehicle Immobilization laws are effective January 1, 2002.

JULY 1, 2000 CHANGES

Before July 1, 2000	July 1, 2000 and After
Mandatory for all OWI offenders, including 1 st offenders, to appear in court	For 1 st offenders municipalities may eliminate mandatory OWI appearances in municipal court if they choose.
Mandatory vehicle seizure for all 4 th and subsequent offenses. Vehicle may be seized, but is not required to be seized, for all 3 rd convictions	Vehicle may be seized, but is not required to be seized, for all 3 rd and subsequent convictions.
Seizure order may be for any vehicle owned by the offender	Only the vehicle used in the OWI offense may be seized.

JANUARY 1, 2001 CHANGES

New Underage Drinking License Sanctions

Underage Drinking Driver License Sanctions §125.07(4)(a) Procuring Alcohol and 125.07(4)(b) Consuming Alcohol [for people under age 21]		
Offense	Violations Before 1/1/2001	Violations 1/1/2001 and After
1 st in 1 year	30-90 day suspension. Court discretion.	30-90 day suspension. Court discretion. No change.
2 nd in 1 year	Up to 1-year suspension. Court discretion.	Up to 1-year suspension at court discretion normally. Mandatory suspension for up to 1 year if offense involved a motor vehicle.
3 rd in 1 year	Up to 2-year suspension. Court discretion.	Up to 2-year suspension at court discretion normally. Mandatory suspension for up to 2 years if offense involved a motor vehicle.
4 th and	Up to 2-year suspension.	Up to 2-year suspension at court discretion

Underage Drinking Driver License Sanctions §125.07(4)(a) Procuring Alcohol and 125.07(4)(b) Consuming Alcohol [for people under age 21]		
Offense	Violations Before 1/1/2001	Violations 1/1/2001 and After
subsequent in 1 year	Court discretion	normally. Mandatory suspension for up to 2 years if offense involved a motor vehicle.

The bill also creates s. 346.93(2g), Stats. which imposes similar mandatory license suspensions on underage persons convicted of possessing alcohol in a motor vehicle.

Vehicle Title Stops

DMV will no longer place ownership-transfer-stops on vehicle title records of vehicles not involved in the violation, with the following exception: During 2001, if the district attorney doesn't identify the involved vehicle on the MV2832 (which will be unlikely), then DMV will put stops on all vehicles owned by the driver named on that form; beginning 1/1/02 if the district attorney doesn't identify the involved vehicle, we will contact him or her, requiring that the involved vehicle be identified before we place any stops on title records.

Prior OWI Offense Counting

Note: Refusals and convictions from the same incident continue to count as one prior offense.

New counting rules for violations on or after 1/1/2001:

(1) Count:

- ALL 940.25 violations (great bodily harm by intoxicated use of a motor vehicle)
(Includes GBH, CBH, HBH, CAH and HAH)
PLUS
- ALL 940.09(1) violations (homicide by intoxicated use of a motor vehicle)
(Includes NHI, CHI, HHI, CAD and HAD)
PLUS
- ALL other OWI offenses counted under s. 343.307(1) or (2) with violation dates on or after January 1, 1989.
(Includes OWI, PAC, CWI, HWI, OCS, CCS, HCS, OII, CII, HII, IC, CIC and HIC)

(2) Are there two or more prior offenses?

- Yes? Every offense counted counts as a prior offense
- No? Go to #3.

(3) Is the one prior offense for a 940.09(1) or 940.25 violation?

- Yes? Second offense
- No? Go to #4.

(4) Did the one prior offense occur within the preceding 10 years?

- Yes? Second offense
- No? First offense

OWI Penalties

- Increases the minimum fine for second offense drunk driving from \$300 to \$350 dollars and the maximum from \$1000 to \$1100.
- On **third and subsequent** offenses fines may be increased for high Blood Alcohol Concentration.

OWI BAC BASED PENALTIES FOR REPEAT OFFENDERS - ACT 109		
BAC	Fine Multiplier	Fine Amount
Below .17	Normal fine	\$600 - \$2000
	Doubled if there is a minor in the vehicle*	\$1200 - \$4000
.17 to .19	Twice the normal fine	\$1200 - \$4000
.20 to .24	3 times the normal fine	\$1800 - \$6000
.25 and Above	4 times the normal fine	\$2400 - \$8000

**Note: Fines are not doubled for minors in the vehicle in cases where fines are already multiplied for a BAC of .17 or higher.*

New Prohibited Alcohol Concentration Level for Repeat Offenders

Old Law

Prior Convictions	Prohibited Alcohol Concentration
None or One	.10 or above
Two or More	.08 or above

New Law

Prior Convictions	Prohibited Alcohol Concentration
None or One	.10 or above*
Two	.08 or above
Three or More	Above .02

As of 9/30/03, the prohibited alcohol concentration changed to 0.08 and above for first offense OWI.

Other Miscellaneous Provisions

- Drivers unable to pay OWI fines must perform community service to pay off the debt.
- Huber law and prisoner work release laws now will require assessment and compliance with a driver safety plan as a condition of release. Offenders may be released to comply with assessment and driver safety plan.
- WisDOT to maintain records of OWI offenses permanently.
- Raises the driver improvement surcharge from \$340 to \$345. Extra \$5 to fund safe-ride / ride-share programs.

JANUARY 1, 2002 CHANGES

Ignition Interlock Devices

- The Department of Transportation is given broad rule making authority to establish a statewide program.
- IIDs are tied to a person's operating privilege rather than to a particular vehicle.
- Statutory provisions establishing an IID program are pulled out of s. 346.65, Stats. and moved over into new s. 343.301.
- IIDs can be ordered as a license restriction on persons on second and subsequent offense drunk driving or refusal of chemical testing.
- Under Act 109, IIDs can be ordered for any length of time from 1 year to the maximum available revocation period for the offense. Thus, on fourth offense OWI, for example, a court could order a 2-year revocation and a 3-year IID restriction. This would require the driver to have an IID even after he/she is done with his/her occupational license.
- IIDs are installed at the defendant's expense. It is a violation of the license restriction for a driver to have another person blow into the device or to operate any vehicle without an IID.
- IIDs may be required only on regular cars, the only vehicles upon which ignition interlock devices are installed today. Persons subject to an IID restriction can operate a commercial motor vehicle or motorcycle without an IID. IID vendors say that there aren't IIDs available for motorcycles (and they may be dangerous on cycles). Nor were vendors excited about installing devices in big trucks and buses.

Vehicle Immobilization

- Immobilization provisions are moved to s. 343.301, Stats. in Act 109.
- A court on second or subsequent offenses may order immobilization for a period of 1 year to the maximum license revocation period allowed for the offense committed.
- Defendants pay the cost of immobilization.
- DMV notes on its records that a vehicle is subject to immobilization at the time the court so orders.
- As under current law, law enforcement provides notice of immobilization to lien holders of record.

Appendix B: Effects of 2001 Act 16

(Provided courtesy of Bureau of Driver Services, Wisconsin Division of Motor Vehicles)

There are two main provisions in Act 16 for any driver with 2 OWI offenses within 5 years:
They will not be eligible for an occupational or hardship license for one year
They will be subject to seizure, immobilization or ignition interlock requirements on all vehicles for which their name appears on the title or registration.

2001 Act 16 brings Wisconsin into compliance with federal TEA-21 - chapter 164 requirements for repeat offenders September 30, 2001. Most of these statutory changes go into effect September 30, 2001 and impact 1999 Act 109 changes effective January 1, 2002. They apply to new offenses (arrests that result in a conviction) that take place on or after the effective dates, but take into account prior offenses that are part of the offender's driving history.

Vehicle Sanctions: Seizure

Vehicle Seizure remains the same. For third and subsequent convictions, only the vehicle used in the offense and owned by the offender may be seized. Seizure may be used in combination with other vehicle sanctions to meet the federal requirements. Seizure is not an option for 1st or 2nd convictions.

Example: For someone with 3 offenses and 2 within any five-year period, the court may order the offender's vehicle used in the offense seized. Starting 9/30/01, all other vehicles for which the offender's name appears on the title or registration must be immobilized or equipped with IIDs.

Hardship exception remains the same as current law - "The court may not order a vehicle seized... if seizure would result in undue hardship or extreme inconvenience or would endanger the health and safety of a person."

Vehicle Sanctions: Immobilization

For violations committed before September 30, 2001 resulting in a conviction

Offender Status	Sanction	Time Period	Wis. Statute
1 st Offender	None		
2 nd offender (2 within 10 years or 1 st offense was NHI or GBH OVI)	None		
3 rd or subsequent (3 or more in lifetime)	Court must order a vehicle owned by the person immobilized if vehicle used in offense wasn't ordered seized or if a vehicle owned by the offender wasn't ordered equipped with an IID.	Not more than the period the offender's operating privilege was revoked. <i>Note: This means it is based on the actual ordered period of revocation vs. the maximum revocation period for the offense.</i>	343.301(2)(a) 346.65(6)(a) 1.
Hardship exception: "The court may not order a vehicle... immobilized if that would result in undue hardship or extreme inconvenience or would endanger the health and safety of a person."			346.65(6)(a) 1.

Immobilization**FOR VIOLATIONS COMMITTED SEPTEMBER 30, 2001 - DECEMBER 31, 2001 RESULTING IN A CONVICTION**

Offender Status	Sanction	Time Period	Wis. Statute
1 st Offender	None		
2 nd offender (2 within 10 years or 1 st offense was NHI or GBH OWI)	None		
3 rd or subsequent (3 or more in lifetime)	Court must order a vehicle owned by the person immobilized if vehicle used in offense wasn't ordered seized or if a vehicle owned by the offender wasn't ordered equipped with an IID.	Not more than the period the offender's operating privilege was revoked. <i>Note: This means it is based on the actual ordered period of revocation vs. the maximum revocation period for the offense.</i>	343.301(2) 343.305(10m) 346.65(6)(a) 1.
Hardship exception: "The court may not order a vehicle... immobilized if that would result in undue hardship or extreme inconvenience or would endanger the health and safety of a person."			346.65(6)(a) 1.
2 nd or subsequent offender - 2 offenses within any 5-year period.	All vehicles for which the offender's name appears on the title or registration must be immobilized unless they were ordered equipped with IID or ordered seized.	Not less than 1 year nor more than the maximum revocation period for the offense. <i>The time-period starts on the date of revocation for the offense.</i>	343.301(2) 343.305(10m) 346.65(6)(a) 1.
Hardship Exception: If immobilizing each motor vehicle would cause undue hardship to any person, except the person to whom the order applies, who is completely dependent on a motor vehicle subject to immobilization for the necessities of life, including a family member or any person who holds legal title to a motor vehicle with the person to whom the order applies, the court may order that one or more motor vehicles not be immobilized.			343.301(2)

Immobilization

For violations committed January 1, 2002 and after resulting in a conviction

Offender Status	Sanction	Time Period
1 st Offender	None	
2 nd or subsequent (2 within 10 years or 1 st offense was NHI or GBH OWI, but none within 5 years of	Court may order immobilization of the vehicle owned by the offender and used in the offense.	Not less than 1 year or more than the maximum revocation period for the offense. <i>The time-period starts on the date of revocation for the offense.</i>

Immobilization

For violations committed January 1, 2002 and after resulting in a conviction

Offender Status	Sanction	Time Period
another)		
2 nd or subsequent offender - 2 offenses within any 5-year period.	All vehicles for which the offenders name appears on the title or registration must be immobilized unless they were ordered equipped with IID or ordered seized.	Not less than 1 year or more than the maximum revocation period for the offense. <i>The time-period starts on the date of revocation for the offense.</i>
Hardship Exception: If immobilizing each motor vehicle would cause undue hardship to any person, except the person to whom the order applies, who is completely dependent on a motor vehicle subject to immobilization for the necessities of life, including a family member or any person who holds legal title to a motor vehicle with the person to whom the order applies, the court may order that one or more motor vehicles not be immobilized.		

Vehicle Sanctions: Ignition Interlock Devices (IID)

For violations committed before September 30, 2001 resulting in a conviction

Offender Status	Sanction	Time Period
1 st Offender	None**	
2 nd offender (2 within 10 years or 1 st offense was NHI or GBH OWI)	None**	
3 rd or subsequent (3 or more in lifetime)	<p>IID restriction for Class D operation on occupational license if the court ordered a vehicle owned by the offender equipped with an IID.</p> <p>-----</p> <p>Court must order IID on a vehicle owned by the person if vehicle used in offense wasn't ordered seized and if a vehicle owned by the offender wasn't ordered immobilized.</p>	<p>Duration of occupational license</p> <p>-----</p> <p>Not more than 2 years more than the period the offender's operating privilege was revoked. <i>Note: This means it is based on the actual ordered period of revocation vs. the maximum revocation period for the offense.</i></p>
Hardship exception: "The court may not order a vehicle... equipped with an IID... if that would result in undue hardship or extreme inconvenience or would endanger the health and safety of a person."		

Ignition Interlock Devices (IID)

For violations committed September 30, 2001 - December 31, 2001 resulting in a conviction

Offender Status	Sanction	Time Period
1 st Offender	None**	
2 nd offender (2 within 10	None**	

Ignition Interlock Devices (IID)

For violations committed September 30, 2001 - December 31, 2001 resulting in a conviction

Offender Status	Sanction	Time Period
years or 1 st offense was NHI or GBH OWI - but none within 5 years of another)		
3 rd or subsequent offender (3 or more in lifetime - but none within 5 years of another)	IID restriction for Class D operation on occupational license if the court ordered a vehicle owned by the offender equipped with an IID. ----- Court must order IID on a vehicle owned by the person if vehicle used in offense wasn't ordered seized and if a vehicle owned by the offender wasn't ordered immobilized.	Duration of occupational license ----- Not more than 2 years more than the period the offender's operating privilege was revoked. <i>Note: This means it is based on the actual ordered period of revocation vs. the maximum revocation period for the offense.</i>
2 nd or subsequent offender - 2 offenses within any 5-year period.	IID restriction for Class D operation on occupational license if the court ordered each vehicle owned by the offender equipped with an IID. ----- All vehicles for which the offenders name appears on the title or registration must be equipped with IID unless they were ordered immobilized or ordered seized.	Duration of occupational license ----- Not less than 1 year or more than the maximum revocation period for the offense. <i>The time-period starts 1 year from the date of revocation for the offense.</i>
Hardship Exception: If equipping each motor vehicle with an IID would cause an undue financial hardship, the court may order that one or more motor vehicles subject to the IID requirement not be equipped with an IID.		

Ignition Interlock Devices (IID)

For violations committed January 1, 2002 and after resulting in a conviction

Offender Status	Sanction	Time Period
1 st Offender	None**	
2 nd or subsequent offender - but none within 5 years of another	IID restriction for Class D operation on occupational license if the court ordered a vehicle owned by the offender equipped with an IID. ----- Court may order IID as restriction on Class D driving privilege.	Duration of occupational license ----- Not less than 1 year or more than the maximum revocation period for the offense.
2 nd or subsequent	IID restriction for Class D	Duration of occupational license

Ignition Interlock Devices (IID)

For violations committed January 1, 2002 and after resulting in a conviction

Offender Status	Sanction	Time Period
offender - 2 offenses within any 5-year period.	operation on occupational license if the court ordered all vehicles owned by person equipped with an IID.	
	Court may order IID as a restriction on Class D driving privilege.	Not less than 1 year or more than the maximum revocation period for the offense.
	All vehicles for which the offenders name appears on the title or registration must be equipped with IID unless they were ordered immobilized or ordered seized.	Not less than 1 year or more than the maximum revocation period for the offense. <i>The time-period starts 1 year from the date of revocation for the offense.</i>
Hardship Exception: If equipping each motor vehicle with an IID would cause an undue financial hardship, the court may order that one or more motor vehicles subject to the IID requirement not be equipped with an IID.		

** DMV will place the restriction on the occupational license privilege whenever the court orders it. See Trans 117.04(5)(a) 2.

Occupational License Eligibility

Effective 9/30/01, OWI offenders with 2 or more offenses within any five-year period are eligible for an occupational license one year from the date of revocation for the offense. Current eligibility criteria apply to multiple offenders with offenses that are not within any five-year period. Act 109 does not change this area of the law so no additional changes come into play 1/1/02.

For violations committed before September 30, 2001 resulting in a conviction

Offender Status	Occupational License Eligibility*	Wis. Statute
1 st offense OWI	Immediately	343.30(1q)(b) 2. 343.31(3)(bm) 2.
2 nd offense OWI (2 within 10 years or 1 st offense was NHI or GBH OWI)	60 days from the beginning date of revocation.	343.30(1q)(b) 3. 343.31(3)(bm) 3.
3 rd or subsequent OWI offense (3 or more in lifetime)	90 days from the beginning date of revocation.	343.30(1q)(b) 4. 343.31(3)(bm) 4.
1 st and 2 nd offense OWI causing injury (OII)	60 days from the beginning date of revocation.	343.31(3m)(b)
All OWI great bodily harm (GBH) OWI homicide (NHI)	120 days from the beginning date of revocation.	343.31(3m)(a)
1 st offense Refusal	30 days from the beginning date of revocation.	343.305(10)(b) 2.
2 nd offense Refusal	90 days from the beginning date of revocation.	343.305(10)(b) 3.
3 rd & subsequent offense Refusal	120 days from the beginning date of revocation.	343.305(10)(b) 4.

For violations committed September 30, 2001 and after resulting in a conviction

Offender Status	Eligibility*	Wis. Statute
Same as above unless 2 or more OWI-type offenses occur within any 5 year period	One year from date of revocation.	Same as above

**Note: Other driver record criteria may affect eligibility.*

Other OWI Changes

Before 9/30/01 2nd offenders may perform 15 hours of community service in lieu of 5 days in jail. Effective 9/30/01, 2nd offenders must perform 30 hours of community service in order to avoid jail-time.

Effective September 1, 2001, the OWI surcharge increases by \$10 from \$345 to \$355.